

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JENNIFER MIZELL, MARIA PAULDING,  
KATHLEEN PEAPPLES, VICTORIA ROSS,  
and NATHAN SIMPSON, individually and on  
behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

UNIVERSITY OF PITTSBURGH MEDICAL  
CENTER,

Defendant.

Case No: 1:24-cv-00016-SPB

Electronically Filed

**UNITED STATES' NOTICE OF POTENTIAL PARTICIPATION**

The United States respectfully notifies the Court that it is considering filing a Statement of Interest in this case by September 30, 2024, under 28 U.S.C. § 517, which permits the Attorney General to direct any officer of the Department of Justice to attend to the interests of the United States in any case pending in a federal or state court.

The United States enforces the federal antitrust laws and has a strong interest in their correct application. The pending motion to dismiss in this matter (ECF No. 36) raises significant questions about the application of Section 2 of the Sherman Act, 15 U.S.C. § 2, to allegations that a defendant engaged in exclusionary conduct in a labor market. The United States has an interest in these questions because it regularly brings Section 2 cases, *see, e.g., United States v. Google LLC*, No. 20-cv-3010 (APM), 2024 WL 3647498 (D.D.C. Aug. 5, 2024); *United States v. Live Nation Entm't, Inc.*, No. 1:24-cv-03973 (S.D.N.Y. May 23, 2024), ECF No. 1, and has brought antitrust actions against employers who committed anticompetitive acts that harmed workers, *see, e.g., United States v. Koch Foods Inc.*, No. 1:23-cv-15813 (N.D. Ill. Nov. 9, 2023), ECF No. 1; *United States v. Hee*, No. 2:21-cr-00098-RFB-BNW (D. Nev. Mar. 30, 2021),

ECF No. 1; *United States v. eBay, Inc.*, 968 F. Supp. 2d 1030 (N.D. Cal. 2013). The United States also has filed amicus briefs and statements of interest under § 517 addressing the legal standard in Section 2 cases, *see, e.g., New York v. Meta Platforms, Inc.*, No. 21-7078 (D.C. Cir. Jan. 28, 2022); *Epic Games, Inc. v. Apple, Inc.*, No. 21-16506 (9th Cir. Jan. 27, 2022), ECF No. 56, and the antitrust laws' application to labor markets, *see, e.g., Giordano v. Saks & Co. LLC*, No. 23-600 (2d Cir. Aug. 7, 2023), ECF No. 89; *Deslandes v. McDonald's USA, LLC*, Nos. 22-2333, 22-2334 (7th Cir. Nov. 18, 2022), ECF No. 51; *Seaman v. Duke Univ.*, No. 1:15-cv-00462-CCE-JLW (M.D.N.C. Mar. 7, 2019), ECF No. 325.

The United States proposes filing any Statement of Interest by September 30, 2024. Alternatively, the United States is amenable to filing any Statement of Interest on whatever timeline the Court believes would be most helpful.

The United States has notified counsel for both plaintiffs and defendant of its intent to file this notice. Plaintiffs do not object to the notice. Defendant takes no position on the notice but reserves the right to respond upon reviewing the as-filed submission.

The United States appreciates the Court's consideration of the government's interest in this matter.

Dated: September 13, 2024

Respectfully submitted,

/s/ Peter M. Bozzo

Peter M. Bozzo (NY 5524459)

JONATHAN S. KANTER  
*Assistant Attorney General*

DOHA MEKKI  
*Principal Deputy Assistant Attorney General*

JOHN W. ELIAS  
*Deputy Assistant Attorney General*

ANDREW J. FORMAN  
*Deputy Assistant Attorney General*

RYAN J. DANKS  
*Director of Civil Enforcement*

DAVID B. LAWRENCE  
*Policy Director*

KATRINA S. ROUSE  
*Deputy Director of Civil Enforcement*

KARL D. KNUTSEN  
TYLER BRODY (PA 93242)  
*Attorneys*

DANIEL E. HAAR  
KARINA LUBELL  
NICKOLAI G. LEVIN  
PETER M. BOZZO  
DANIELLE D. DRORY  
SARAH R. SCHEINMAN  
*Attorneys*  
*United States Department of Justice*  
*Antitrust Division*

950 Pennsylvania Avenue, NW  
Room 3224  
Washington, DC 20530-0001  
Telephone: (202) 803-1196  
Email: peter.bozzo@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of September, 2024, a true and correct copy of this notice was filed and served on counsel of record via the United States District Court for the Western District of Pennsylvania's CM/ECF system.

/s/ Peter M. Bozzo  
Peter M. Bozzo